

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
274-01

Effective Date:
07/11/2017

Subject:
Legal Process

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

To provide guidelines and procedures for recording criminal warrant information and the execution of criminal processes.

POLICY:

It is the policy of the Farmington Police Department to have procedures in the execution and recording of information involving both local warrants and those from other jurisdictions and to have procedures for an arrest made without a warrant.

PROCEDURE:

Arrest Warrants:

Felony warrants issued for the Farmington Police Department by San Juan County Courts are valid within the United States. Misdemeanor, Municipal, and search warrants are valid within the particular Courts' jurisdiction. The court will determine if a summons should be issued in lieu of arrest. All Farmington misdemeanor and felony warrants are delivered to the Farmington Police Department Detective Division for entry into the M.I.P.S.I.S. system. All Farmington Municipal misdemeanor warrants are active for one year, except warrants pertaining to driving while intoxicated which will remain active until served. All other warrants are to be maintained as active until served or pulled by the issuing Court. The following information is recorded on each warrant:

1. Date and time received;
2. Type of warrant;
3. Nature of warrant;
4. Court issuing warrant;
5. Name and date of birth of defendant;

6. Court issued warrant number;
7. Date served and officer serving the warrant.

The booking sheet containing the following information is maintained by the Farmington Police Department Records Division:

1. Date and time the warrant was served;
2. Name of officer serving warrant;
3. Name and date of birth of defendant;
4. Location of service;
5. Warrant number.

The following information is recorded by the San Juan County Multi-Jurisdiction Integrated Public Safety Information System (M.I.P.S.I.S.):

1. Officer assigned to service or attempted service;
2. Date and time of assignment of service or attempted service;
3. Name of defendant;
4. Reason for non-service;
5. Address of attempted service.

Once the warrant is served, the San Juan County Communication Authority (SJCCA) marks the warrant served, and records the time and date, and the officer and agency on the face of the warrant.

Warrant Arrest:

Arrest warrants will be executed in person by sworn law enforcement officers only. All warrants will be confirmed prior to arrest. All officers of this Department executing criminal warrants will use only the amount of force necessary to effect the arrest. Arrest warrants may be served anytime day or night unless limited on the warrant. Officers should attempt to execute the warrant at a reasonable time bearing in mind the offense with which the person is charged.

When serving a warrant in another jurisdiction, outside San Juan County, the police agency for that jurisdiction will be notified of our intentions and a member of the affected jurisdiction may be requested to participate.

The service of warrants issued by courts in San Juan County does not require a report be written. Warrants issued by courts in San Juan County contain the necessary information required by NMSA 31-1-5. Each warrant issued by courts in San Juan County can be tracked in M.I.P.S.I.S. to an original case report which contains the means by which the warrant was obtained. M.I.P.S.I.S. and the Farmington Police Department Records Division maintain information regarding the service of the warrant.

Reports are required for warrant arrests for the following:

1. Out of State Fugitives; and
2. If there are additional charges.

Warrantless Arrest:

Officers shall make a warrantless arrest only upon determining that probable cause exists to believe that a crime was committed and that the individual to be arrested most likely committed the crime, or for a crime committed in the officers' presence. Incident to such arrest, officers shall conduct an investigation into the facts leading to the arrest. The investigation should include, whenever possible, identification of all witnesses and suspects, interviews of persons who may have pertinent information and crime scene and evidence protection and preservation. Officers who have effected a warrantless arrest shall document the incident fully and accurately as soon as possible after such arrest has been made.

Search Warrants:

Search warrants issued through San Juan County District Courts are valid throughout the state. Search warrants issued through a magistrate court are valid in the county of issuance. If a search warrant is needed in another state, the officer will obtain it through the appropriate court. When serving a search warrant in another jurisdiction, the police agency for that jurisdiction will be notified of the scope of the warrant and a member of the affected jurisdiction may be requested to participate. Any search made incident to arrest will be made in compliance with constitutional and case law. If it is determined a search warrant is needed, the officer conducting the search will only search the areas outlined in the search warrant.

Constitutional Rights:

All personnel will comply with constitutional requirements during criminal investigations. All arrests will be based on probable cause or will be made under authority of an arrest warrant. Intrusions into an individual's private conversation or correspondence will only be allowed by a search warrant or as otherwise provided by law. Only the physical force that is necessary and proper will be used at any time. Search and seizures of persons and property will be made according to law. Officers will ensure the physical safety of arrested persons and will warn them against self-incrimination before interrogating them. Confessions and/or admissions must be voluntarily given, and will not be obtained by coercion or by any other illegal means. Arrested persons will be allowed to notify relatives or others of their whereabouts, will be allowed to confer with an attorney, and will be transported within a reasonable time to a detention facility.